UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,410	01/27/2004	Peter Samuel Marx	89220.0005	2194

26021	7590	05/15/2006	

HOGAN & HARTSON L.L.P.
500 S. GRAND AVENUE
SUITE 1900
LOS ANGELES, CA 90071-2611

EXAMINER
LE, DEBBIE M

ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

C

	Application No.	Applicant(s)
Office Action Summary	10/765,410	MARX ET AL.
	Examiner	Art Unit	
	DEBBIE M. LE	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*27 January 2004*</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-15*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-15*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*27 January 2004*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>*8/13/04*</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 8/13/04 has been

considered by the examiner. See attached PTO-1449.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Hose

(US Patent 7,024,205 B1).

As per claim 1, Hose discloses a contextual location-based service apparatus,

comprising:

a) a computer-based infrastructure (Fig. 1), comprising:

1) **at least one database for storing information on at least one location** (col.

5, lines 65-67, as the service information includes a database of service providers

indexed to corresponding service locations);

2) **a context manager, coupled to the database, for indexing and sorting the**

information stored in the database (col. 3, lines 35-41, as a network administrator

allows service providers to register in a location-based service provider database, and

the appropriate location information can be indexed to the service provider in the

service provider database);

3) **a contribution engine, coupled to the database, for entering, storing,**

managing, and retrieving additional information in the database (col. 5, 1-9, lines

65-67, as network platforms 112 can access, receiving and indexing the service

information in a database of service providers corresponding to service location);

4) **a locator, coupled to the contribution engine and the database, for**

converting a plurality of references to a specific location to a common location

designation (col. 5, lines 57-59, col. 6, lines 1-4, as GIS, service locations may be

stored in the form of latitude/longitude data, corresponding GIS or street address data,

zip code or other regional or service area indicators, or other appropriate identifiers);

5) **a location browser, coupled to the database, for retrieving and reviewing**

information in the database (col. 6, lines 55-66, as an Internet data link 122); and

b) **at least one client** (as subscriber 102 of Fig. 1), **which communicates with the**

infrastructure, for entering, editing, and retrieving information from the database

(col. 6, lines 63-65, receiving a subscriber's service request (i.e., Fig. 1, # 102),

delivering location-based service information to the subscriber may involve receiving

and LFE based input regarding the service provider's location and providing service

information to the subscriber based on the input regarding the service provider's

location).

As per claim 2, Hose teaches comprising a link manager, coupled to the

database, for linking a plurality of locations within the database to each other (col. 6,

lines 5-11).

As per claim 3, Hose teaches a rating engine, coupled to the database, for rating

information stored in the database (col. 13-29).

As per claim 4, Hose teaches a charge and payment manager, coupled to the

database, for controlling access to information in the database and for collecting fees

from a user of a client for accessing the controlled access information in the database

(col. 3, lines 50-54, col. 8, lines 46-53).

As per claim 5, Hose teaches a mapping engine, coupled to the database, for

providing to the client a visual output of information, thematic information, and

metadata-stored in the database (col. 7, lines 35-40, col. 5, lines 56-59, col. 8, lines 1-

19).

As per claim 6, Hose teaches a route planner, coupled to the link manager and the database, for accessing information stored in the database in sequence as the client travels between the plurality of locations (col. 8, lines 1-4, col. 7, lines 35-40).

As per claim 7, Hose teaches an Intellectual Property manager, coupled to the database and the charge and payment manager, for providing proper access to intellectual property stored in the database (col. 3, lines 3-6, 50-54).

As per claim 8, Hoses discloses a method for providing contextual location-based information, comprising:

associating a plurality of information to the transition between locations (col. 5, lines 65-67, as the service information includes a database of service providers indexed to corresponding service locations);

entering a plurality of pieces of contextual information into a database (col. 5, 1-9, lines 65-67, as network platforms 112 can access, receiving and indexing the service information in a database of service providers corresponding to service location);

determining a location reference for each piece of contextual information (col. 5, lines 57-59, col. 6, lines 1-4, as GIS, service locations may be stored in the form of latitude/longitude data, corresponding GIS or street address data, zip code or other regional or service area indicators, or other appropriate identifiers);

sorting the contextual information by determined location reference (col. 3, lines 35-41, as a network administrator allows service providers to register in a location-

based service provider database, and the appropriate location information can be

indexed to the service provider in the service provider database);

accessing the database by a location query (col. 6, lines 55-57, receiving a

subscriber's service request (i.e., Fig. 1, # 102), **wherein the location query is**

compared to the determined location reference of the contextual information (col.

8, lines 1-17, as the system compares the received LFE data and service information to

identify candidate service providers based on location); **and**

reporting results of the location query to a client (col. 3, lines 42-46,

delivering location-based service information to the subscriber may involve receiving

and LFE based input regarding the service provider's location and providing service

information to the subscriber based on the input regarding the service provider's

location).

As per claim 9, Hose teaches entering a fee amount for accessing a specific

piece of contextual information; and charging the fee amount to a user before, during, or

after the specific piece of contextual information is accessed (col. 3, lines 50-54).

As per claim 10, Hose teaches linking at least two determined

location references to each other (col. 6, lines 1-11).

As per claim 11, Hose teaches entering a rating associated with the contextual

information for evaluating the contextual information entered in the database (col. 6,

lines 19-29).

As per claim 12, Hose teaches a storing visual data as at least a portion of the

contextual information entered in the database, for providing to the client a visual output

of information stored in the database (col. 7, lines 35-40, col. 5, lines 56-59, col. 8, lines 1-19).

As per claim 13, Hose teaches linking a plurality of pieces of contextual information in the database, for accessing the pieces of contextual information stored in the database in sequence (col. 8, lines 1-4, col. 7, lines 35-40).

As per claim 14, Hose teaches controlling access to intellectual property entered as contextual pieces of information stored in the database (col. 8, lines 46-65).

As per claim 15, Hose discloses a contextual location services system, comprising:

a database for storing contextual information on a plurality of geographic locations (col. 5, lines 57-67, as the service information includes a database of service providers indexed to corresponding service locations (i.e., GIS data and service zones of particular service provider)), **and**

a client (as a subscriber 102, Fig. 1), **which communicates with the database, for retrieving the stored contextual information** (col. 6, lines 63-65, receiving a subscriber's service request (i.e., Fig. 1, # 102), delivering location-based service information to the subscriber may involve receiving and LFE based input regarding the service provider's location and providing service information to the subscriber based on the input regarding the service provider's location), **comprising a mobile communications device** (col. 3, lines 55-62, as wireless transceiver location),

wherein the client retrieves information based on geographic location and is able to select one or more pieces of contextual information for presentation on

the client (col. 7, lines 35-43, as the menu is displayed on the telephone such that a

user can scroll through the menu and make a selection),

wherein presentation on the client includes audio presentation, video

presentation, and audio/visual presentation (col. 6, lines 55-63, as voice and data

link)**, and the contextual information includes at least location information and at**

least one other piece of information about the geographic location (col. 6, lines 18-

29, as providing local food outlet, service station or hotel information, the location-based

service information can include not only information regarding service providers in the

vicinity of the subscriber, but can also identify local service providers meeting criteria

specified by the profile information).

Conclusion

The prior art made of record, listed on form PTO-892, and not relied upon, if any,

is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-

4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEBBIE LE
PRIMARY EXAMINER
5/11/06